

DISTRICT OF COLUMBIA INSPECTOR GENERAL
IMPROVEMENT ACT OF 1997

MARCH 17, 1997.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BURTON of Indiana, from the Committee on Government
Reform and Oversight, submitted the following

R E P O R T

[To accompany H.R. 514]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Reform and Oversight, to whom
was referred the bill (H.R. 514) to permit the waiver of District of
Columbia residency requirements for certain employees of the Of-
fice of the Inspector General of the District of Columbia, and for
other purposes, having considered the same, report favorably there-
on with amendments and recommend that the bill as amended do
pass.

CONTENTS

	Page
I. Background and need for the legislation	2
II. Legislative History and Committee Action	2
III. Committee Hearings and Written Testimony	2
IV. Explanation of the Bill as Reported: Section-by-Section Analysis	3
V. Compliance with rule XI	3
VI. Budget Analysis and Projections	3
VII. Cost Estimate of the Congressional Budget Office	3
VIII. Inflationary Impact Statement	4
IX. Changes in Existing Law	4
X. Committee Recommendation	4
XI. Congressional Accountability Act; Public Law 104-1	4

The amendments are as follows:

Strike section 3.

Amend the title so as to read:

A bill to permit the waiver of District of Columbia residency re-
quirements for certain employees of the Office of the Inspector
General of the District of Columbia.

SHORT SUMMARY OF LEGISLATION

H.R. 514, the District of Columbia Inspector General Improvement Act of 1997, is designed to permit the Director of Personnel of the District of Columbia to grant a waiver of the residency requirement of the District of Columbia Comprehensive Merit Personnel Act of 1978, for excepted employees if requested by the Inspector General.

I. BACKGROUND AND NEED FOR THE LEGISLATION

In 1979, the mayor of the District of Columbia issued an Executive Order which established an Office of the Inspector General. This office received statutory establishment as part of the District of Columbia Procurement Practices Act of 1985. The current Office of the Inspector General was created in Public Law 104-8 sec. 303. This legislation enhanced the power and independence of the Inspector General by lengthening the term from four to six years, making the budget of the office subject only to congressional review, and, in a control year, requiring confirmation of the mayor's nominee by the Financial Responsibility and Management Assistance Authority (hereafter, the Authority). During a control year, the Inspector General can be removed from office only by an action of the Authority and after a public hearing.

These provisions were all designed to make this office independent from outside influence so that it could carry out its mission effectively. The Office of the Inspector General was however, still covered by the provisions of the District of Columbia Comprehensive Merit Personnel Act of 1978. This legislation required that excepted employees must become District residents within a year of their appointment. This provision of the Comprehensive Merit Personnel Act placed a burden on the Office of the Inspector General which made it more difficult to attract and retain employees of the highest professional qualifications. This waiver is necessary so that the Office of the Inspector General can retain the highly qualified personnel that have been assembled over the past year and in the future maintain access to the widest possible talent pool.

II. LEGISLATION AND COMMITTEE ACTIONS

On February 4, 1997, Mr. Davis of Virginia introduced H.R. 514. It was cosponsored by Del. Norton. It was referred to the Committee on Government Reform and Oversight. It was subsequently referred to the Subcommittee on District of Columbia where it was forwarded as amended by a voice vote on March 11, 1997. The amendment, offered by Chairman Davis, struck section 3 of the bill as introduced.

III. COMMITTEE HEARINGS AND WRITTEN TESTIMONY

The District of Columbia Subcommittee held no formal hearing on H.R. 514.

IV. EXPLANATION OF THE BILL

Overview—Section by section analysis

Section 1. Short Title.—Section 1 sets forth the short title of the bill to be the “District of Columbia Inspector General Improvement Act of 1997.”

Section 2. Waiver of Residency Requirement for Certain Employees of Inspector General. Section 2 gives the Director of Personnel the power, at the request of the Inspector General, to grant a waiver of the residency requirements of District of Columbia Comprehensive Merit Personnel Act of 1978 as it applies to excepted employees in the Office of the Inspector General.

V. COMPLIANCE WITH RULE XI

Pursuant to rule XI, 2(1)(3)(A), of the Rules of the House of Representatives, under the authority of rule X, clause 2(b)(1) and clause 3(f), the results and findings from these oversight activities are incorporated in the recommendations found in this bill and the accompanying report.

VI. BUDGET ANALYSIS AND PROJECTIONS

This Act provides for no new authorization or budget authorization or tax expenditures. Consequently, the provisions of section 308(a)(1) of the Congressional Budget Act of 1974 are not applicable.

VII. COST ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 13, 1997.

Hon. DANIEL BURTON,
*Chairman, Committee on Government Reform and Oversight,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 514, the District of Columbia Inspector General Improvement Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 514—District of Columbia Inspector General Improvement Act of 1997

H.R. 514 would allow the District of Columbia to permit individuals to work at the District's Office of the Inspector General without residing in the District. Waiving the residency requirement would have no effect on the federal budget.

Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 514 contains no inter-governmental or private-sector mandates as defined in the Un-

funded Mandates Reform Act of 1995 and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is John R. Righter. The estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

VIII. INFLATIONARY IMPACT STATEMENT

In accordance with rule XI, clause 2(1)(4) of the Rules of the House of Representatives, this legislation is assessed to have no inflationary effect on prices and costs in the operation of the national economy.

IX. CHANGES IN EXISTING LAW

Clause 3 of rule XIII of the Rules of the House of Representatives requires that any changes in existing law made by the bill, as reported, be shown with the existing law proposed to be omitted enclosed in black brackets, new matter printed in italic, and existing law in which no change is proposed shown in roman. This provision is inapplicable for the reported bill, which makes no change in existing law. Instead, it provides for new authority for the District of Columbia Director of Personnel to waive the residency requirement for the “excepted personnel” in the office of the Inspector General at the request of the Inspector General.

X. COMMITTEE RECOMMENDATION

On March 12, 1997, a quorum being present, the Committee on Government Reform and Oversight ordered the H.R. 514 favorably reported as amended by voice vote.

*Committee on Government Reform and Oversight—105th Congress
Rollcall*

Date: March 12, 1997.

Final Passage of H.R. 514, as amended.

Offered by: Hon. Dan Burton (R.-IN).

Voice Vote: Yeas.

XI. CONGRESSIONAL ACCOUNTABILITY ACT; PUBLIC LAW 104–1; SECTION 102(B)(3)

H.R. 514, as amended by the Committee is inapplicable to the legislative branch because it does not relate to any terms or conditions of employment or access to public services or accommodations.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rule of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

SECTION 1-610.6 OF THE DISTRICT OF COLUMBIA CODE

§ 1-610.6. Residency.

(a) Except as provided in subsection (c) *or subsection (d)* and notwithstanding any provision of § 1-2501 et seq., any person who applies for a position in the Excepted Service and who accepts appointment or is hired to fill a position in the Excepted Service shall become a bona fide resident of the District within 180 days of the effective date of the appointment, and shall maintain this residence for the duration of the employment. Failure to become a District resident or to maintain District residency, shall result in forfeiture of the position to which the person has been appointed.

* * * * *

(d) At the request of the Inspector General (as described in section 208(a) of the District of Columbia Procurement Practices Act of 1985), the Director of Personnel may waive the application of subsections (a) and (b) to employees of the Office of the Inspector General.

STATEMENT ON CONSTITUTIONAL AUTHORITY

In compliance with clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee states that the specific power granted to the Congress to enact this bill is the power to exercise exclusive legislative authority over the seat of the Government of the United States under Article I, section 8, clause 17 of the Constitution of the United States.

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